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In re Application of :
VERMEULIN et al. :
U.S. Application No.: 09/868,152 :
Int. Application No.: PCT/US00/02972 :
Int. Filing Date: 04 February 2000 :
Priority Date: 05 February 1999 :
Attorney Docket No.: 275102001240 :
For: ANTIZYME MODULATORS AND THEIR USE :

DECISION

This is a decision on applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" filed in the United States Patent and Trademark Office on 22 August 2001.

BACKGROUND

On 04 February 2000, applicants filed international application no. PCT/US00/02972 which claimed priority date of 05 February 1999. On 31 August 2000, a Demand was filed with the International Preliminary Examination Authority. As a result, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 05 August 2001.

On 14 June 2001, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee and a copy of the international application.

On 20 July 2001, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 20 months (37 CFR 1.495(b)(2)).

On 22 August 2001, applicants filed present petition to withdraw the holding of abandonment.

DISCUSSION

A review of the application file and present petition reveal that the above identified application is the United States national stage application of PCT/US00/02972 which

claimed a priority date of 05 February 1999. A proper Demand, electing the United States, was filed prior to the 19 month from the priority date, in this case, 31 August 2000, and thus the deadline for entry into the national stage of the United States was extended to expire 30 months from the priority date, ie. 05 August 2001. On 14 June 2001, applicant filed the appropriate basic national fee. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.

CONCLUSION

For the reasons above, the request is **GRANTED** and the Notification of Abandonment mailed 20 July 2001 is hereby **VACATED**. The holding of Abandonment is withdrawn.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that the translation of the international application is not in accordance with 35 U.S.C. 371 and that an oath or declaration of the inventors in compliance with 37 CFR 1.497.



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